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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,767	04/18/2001	Franc J. Camara	205717	8947

			EXAMINER
22971	7590	04/19/2005	ROSWELL, MICHAEL

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ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _28 January 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-3,5,9-11,13,17-19,21-31 and 35-42_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-3,5,9-11,13,17-19,21-31 and 35-42_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.   .

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and
> process of making and using it, in such full, clear, concise, and exact terms as to enable any
> person skilled in the art to which it pertains, or with which it is most nearly connected, to make
> and use the same and shall set forth the best mode contemplated by the inventor of carrying out
> his invention.

Claims 35, 36, and 39 are rejected under 35 U.S.C. 112, first paragraph, as failing to
comply with the written description requirement. The claim(s) contains subject matter which
was not described in the specification in such a way as to reasonably convey to one skilled in
the relevant art that the inventor(s), at the time the application was filed, had possession of the
claimed invention. Claims 35 and 36 disclose "a programmatic object enabling enumeration of
available imaging sources", which is not described in the specification. Furthermore, claim 35
discloses "an imaging source device query object instance", which is not described in the
specification. Claim 39 discloses "displaying a destination-specific user interface to collect
destination-specific information", also not described in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the
basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b),
> by another filed in the United States before the invention by the applicant for patent or (2) a
> patent granted on an application for patent by another filed in the United States before the
> invention by the applicant for patent, except that an international application filed under the treaty
> defined in section 351(a) shall have the effects for purposes of this subsection of an application
> filed in the United States only if the international application designated the United States and
> was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 17-19, 21-22, and 23-26 are rejected under 35 U.S.C. 102(e) as being

anticipated by Tomat et al (US Patent 6,784,925), hereinafter Tomat.

Regarding claims 1 and 17, Tomat teaches acquiring an image from an imaging source

device with a still image processing layer comprising at least one programmatic object

corresponding to the imaging source device and an imaging source device manager object

(taught as the shell extension module of col. 14, line 54 through col. 15, line 53 and Fig. 22,

where the module acquires images from a digital camera and displays them as thumbnails, a

graphical representation of the device hierarchy that includes an icon for representing the digital

camera, and a toolbar that allows the user to manage the images and items within the camera's

memory), selecting one of the possible destinations at a user interface and automatically

transferring the acquired image to the selected destination in response to the selection (taught

as the use of a Move/Copy Photo Group button for transferring images to selected destinations,

at col. 19, lines 8-18, as well as the use of an Internet button for transferring selected images to

an internet photo service provider, at col. 13, line 66 through col. 14, line 4, and through drag

and drop methods, at col. 2, lines 23-27).

Regarding claims 2 and 18, since the method of Tomat is implemented through

computer software, it must inherently be implemented through computer-executable instructions

stored on a computer readable medium.

Regarding claim 3, Tomat teaches a step of automatically transferring images including

storing images on a hard drive of the computer system before delivering them to a selected

destination, taught as the sequential downloading of images upon the recognition of a camera

by the Port Monitor, at col. 8, lines 1-12.

Regarding claim 19, Tomat teaches retrieving files from image source devices that

include a digital camera or scanner, taught at col. 6, lines 1-18.

Regarding claim 21, Tomat teaches loading a plug-in module adapted to transfer an

image to a selected storage site, taught as the adding of Internet photo service providers

through the use of plug-ins, at col. 12, lines 34-43.

Regarding claim 22, Tomat teaches presenting the user with a plurality of destinations

for the image, including a site at an on-line web community (taught as the inclusion of Internet

photo service providers listed in a pull-down box, at col. 12, lines 34-40), the loaded plug-in

module being one of a plurality of plug-in modules (taught as the adding of Internet photo

service providers through the use of plug-ins, at col. 12, lines 40-43), where each plug-in

module is adapted to transfer the image from the imaging source device to a particular

destination and is loadable by the image helper program in response to the selected destination

(taught as the uploading of selected images to an Internet photo service provider by selecting

the Internet button, at col. 14, lines 2-17).

Regarding claim 23, Tomat teaches a computer having a computer readable medium, an

imaging source device for providing an image to the computer (see col. 6, lines 1-43), a still

image processing layer comprising at least one programmatic object corresponding to the

imaging source device and an imaging source device manager object (taught as the shell

extension module of col. 14, line 54 through col. 15, line 53 and Fig. 22, where the module

acquires images from a digital camera and displays them as thumbnails, a graphical

representation of the device hierarchy that includes an icon for representing the digital camera,

and a toolbar that allows the user to manage the images and items within the camera's

memory), a user interface for selecting one of the possible destinations at a user interface and

an image helper program module for automatically transferring the acquired image to the

selected destination in response to the selection (taught as the use of a Move/Copy Photo

Group button for transferring images to selected destinations, at col. 19, lines 8-18, as well as

the use of an Internet button for transferring selected images to an internet photo service

provider, at col. 13, line 66 through col. 14, line 4, and through drag and drop methods, at col. 2,

lines 23-27).

Regarding claim 24, Tomat teaches loading a plug-in module adapted to transfer an

image from an imaging source device to a selected destination, where the image helper

program module loads the plug-in module in response to the selected destination, taught as the

adding of Internet photo service providers through the use of plug-ins, at col. 12, lines 34-43.

Regarding claim 25, the image helper program module of Tomat inherently includes a

standard application programming interface through which the plug-in module communicates.

Regarding claim 26, Tomat teaches loading a plurality of plug-in modules adapted to

transfer an image from an imaging source device to a selected destination, where the image

helper program module loads a plug-in module in response to a selected destination, taught as

the adding of Internet photo service providers through the use of plug-ins, at col. 12, lines 34-43.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 5, 9-11, 13, 27-31, 37-38, and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomat.

Regarding claims 5 and 31, Tomat teaches sending images to destinations including a printer, a web site, and an email recipient, as can be seen in Fig. 25. However, Tomat fails to explicitly teach sending an image to a CD-write device. The sending of data to external devices through common means such as drag and drop methods used in Windows Explorer (subsequently implemented in Tomat) is well known in the art. Many storage mediums not disclosed by Tomat, such as external hard drives, ZIP disks, and CD-write drives are well known to allow such data transfer. The examiner takes OFFICIAL NOTICE of these teachings. Therefore it would have been obvious to one of ordinary skill in the art to include a CD-write device in the list of destinations provided by Tomat.

Regarding claims 9, 29, and 37, Tomat teaches registering at least one plug-in module, each registered plug-in module corresponding to at least one possible destination, obtaining data from each registered plug-in module indicating the at least one possible destination to which the registered plug-in module corresponds, where the data indicating the at least one possible destination comprises text (taught as the registering of a service provider through plug-ins, at col. 12, lines 40-43, the text for the service provider being displayed in the pull-down

menu of Fig. 16), displaying a user interface menu, the user interface menu comprising data

indicating at least one possible destination obtained from each registered plug-in module,

prompting a user with the user interface menu to select one of the possible destinations to

which the image is to be transferred, storing the image on a computer-readable medium (taught

as the display of the service provider interface menu of Fig. 16 that allows the selection of a

destination from a pull-down menu, at col. 14, lines 2-12), and automatically transferring the

image from the computer readable medium to the selected destination in response to the user

selection (taught as the sequential downloading of images upon the recognition of a camera by

the Port Monitor, at col. 8, lines 1-12, and uploading the files after selecting a destination, at col.

14, lines 14-17).

Tomat fails to explicitly teach including at least one icon with the data from each

registered plug-in module. However, at the time the invention was made, it would have been

obvious to a person of ordinary skill in the art to include an icon specific to the service provider.

Applicant has not disclosed that the inclusion of at least one icon provides an advantage, is

used for a particular purpose, or solves a stated problem. One of ordinary skill in the art,

furthermore, would have expected Applicant's invention to perform equally well with the pull-

down menu of Tomat because the user is able to select a service provider with the textual

information provided by the plug-in.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the text

information of Tomat to obtain the invention as specified in claim 9.

Regarding claims 10 and 11, since the method of Tomat is implemented through

computer software, it must inherently be implemented through computer-executable instructions

stored on a computer readable medium. Software is commonly stored on a hard disk or a

removable memory.

Regarding claim 13, Tomat teaches sending images to destinations including a printer, a

web site, and an email recipient, as can be seen in Fig. 25. However, Tomat fails to explicitly

teach sending an image to a removable memory device. The sending of data to external

devices through common means such as drag and drop methods used in Windows Explorer

(subsequently implemented in Tomat) is well known in the art. Many storage mediums not

disclosed by Tomat, such as external hard drives, ZIP disks, and CD-write drives are well

known to allow such data transfer. The examiner takes OFFICIAL NOTICE of these teachings.

Therefore it would have been obvious to one of ordinary skill in the art to include a removable

memory device in the list of destinations provided by Tomat.

Regarding claim 27, Tomat teaches an image helper program for receiving a user

selection on a computer system having more than one possible destination to which an image

originating from an imaging source device is to be sent, where at least two of the possible

destinations are alternative storage devices (taught as the use of a Move/Copy Photo Group

button for transferring images to selected destinations, at col. 19, lines 8-18, as well as the use

of an Internet button for transferring selected images to an internet photo service provider, at

col. 13, line 66 through col. 14, line 4, and through drag and drop methods, at col. 2, lines 23-

27), where the image helper program includes a programming interface (the image helper

program module of Tomat inherently includes a standard application programming interface

through which the plug-in module communicates), at least one plug-in, each plug-in associated

with a possible destination and configured to register with the programming interface of the

image helper program, where the plug-in associated with the selected destination is invoked by the image helper program upon receiving the user selection of the destination and communicates with the image helper program via the programming interface to transfer the image from the imaging source device to the selected destination (taught as the registering of a service provider through plug-ins, at col. 12, lines 40-43, the text for the service provider being displayed in the pull-down menu of Fig. 16), the image helper program including instructions to (a) obtain from each registered plug-in data indicating the possible destination with which the plug-in is associated where the data indicating the possible destination comprises text (taught as the registering of a service provider through plug-ins, at col. 12, lines 40-43, the text for the service provider being displayed in the pull-down menu of Fig. 16), and (b) display a menu of possible destinations for user selection, where the menu comprises data indicating the possible destination obtained from each plug-in module (taught as the display of the service provider interface menu of Fig. 16 that allows the selection of a destination from a pull-down menu, at col. 14, lines 2-12).

Regarding claim 28, Tomat teaches a still-image processing layer, where the still-image processing layer represents the imaging source device to the image helper program to facilitate the transfer of the image from the imaging source device to the destination (taught as the shell extension module of col. 14, line 54 through col. 15, line 53 and Fig. 22, where the module acquires images from a digital camera and displays them as thumbnails, a graphical representation of the device hierarchy that includes an icon for representing the digital camera, and a toolbar that allows the user to manage the images and items within the camera's memory).

Regarding claim 30, Tomat teaches a step of automatically transferring images including storing images on a hard drive of the computer system before delivering them to a selected destination, taught as the sequential downloading of images upon the recognition of a camera by the Port Monitor, at col. 8, lines 1-12.

Regarding claim 38, Tomat teaches each plug-in module corresponding to one destination, at col. 12, lines 40-44.

Regarding claims 40-41, Tomat teaches registering each plug-in module with a standardized programming interface of an image helper program, and obtaining data indicating at least one possible destination with a standardized programming interface of the plug-in module, taught as the use of standardized interfaces for managing devices and programmatic objects, at col. 1, lines 17-33.

Regarding claim 42, Tomat teaches at least one imaging source device object and an imaging source device manager (the camera connected to the computer system and managed by the interface of Fig. 22).
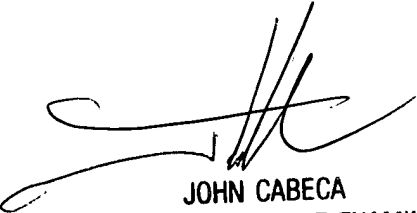
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell
4/12/2005

JOHN CABECA
SUPERVISORY PATENT EXAMIN
TECHNOLOGY CENTER 21